

Inclusion in Mott Haven Settlement

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Honorable Colleen McMahon,

My name is Nicholas Ryan Entwistle. I was beaten and arrested while peacefully protesting with Black Lives Matter in 2020 during the mass arrests at Mott Haven in the Bronx. I'm writing to humbly ask for inclusion in the settlement of the class action lawsuit regarding this event. I understand that I have missed the deadline to file for the settlement, and that this letter may not be the proper channel, but at this point I don't believe I have legal representation and I am not sure if I have any other options left.

I had been involved in the class action process from the beginning. I testified about my experience before the court in January of 2022. At the time, I was represented by Wylie Stecklow. I now understand that a settlement has been reached, and that process entailed filing before the deadline of August 30, 2023. While I understand that deadlines are necessary for the court to function efficiently, I was never made aware of the deadline and I could not meet a deadline that I did not know existed.

Here are the reasons why I believe I fell through the cracks in this settlement:

1. I no longer live at the address listed on my arrest documents. If anything was sent from the court informing me of the deadline, it would have been sent to an old address. Further, my arrest paperwork is listed under an incorrect name: my arresting officer mixed up my first and middle names. This also made it difficult for the legal team to track me in the system. I do not know if a claim form was sent to me by mail, but if it was, I did not receive it.
2. I was informed by my lawyer when a settlement was reached. He then told me that when he saw the form he would share it with me, but this never happened; neither he nor any other lawyer involved in the case reached out to me when the opportunity to file was announced. I believed that my lawyer would inform me when it was time to file, and given the slow pace of court proceedings, I did not think twice about not hearing from my lawyer for several months, until I asked him for updates and learned that the time to file had already passed.
3. As I now understand, after the settlement was reached, Wylie Stecklow was no longer my lawyer and the case was passed onto other attorneys - I believe Ali Frick and Rob Rickner. I did not understand that my lawyer was off the case until October of 2023, when I contacted him asking if there had been updates, only to find out that the time to file had already been announced and that the deadline to do so had already passed.
4. Apparently after my lawyer had left the case, he passed my information onto other lawyers taking up the settlements, I believe Ali Frick and Rob Rickner. Unfortunately, the email that he passed was apparently misspelled, and no other lawyer contacted me. I did not know any of this until several months later, after the time to file had passed.

5. I knew that the court proceedings are often a lengthy process, especially when it comes to class action lawsuits. I had only heard updates from my lawyer when there were major movements in the court which are often many months apart, and so I did not think twice about not hearing anything from my lawyer for several months, expecting that I would be informed about any developments that needed my input when they occurred.

6. Since October when I learned of the deadline, I asked Wylie Stecklow to help me petition the court for inclusion, which he did — but without mentioning that no lawyer had informed me when the opportunity to file came up.

The sum of all of these factors meant that I fell through the cracks of both the court system and my legal representation.

I acknowledge that I should have been more vigilant in checking the NYC news, and more consistently asking my lawyer for updates. I don't live in New York, and I shouldn't have solely relied on my lawyer to inform me about the case.

At this point I don't know what else I can do but to ask you directly for inclusion in the settlement. I don't intend to take up your time, and had I been made aware of the opportunity to file I would have do so immediately.

Thank you for reading this,

A handwritten signature in black ink that reads "Nicholas Entwistle". The script is cursive and fluid, with the first name and last name clearly distinguishable.

Nicholas Entwistle

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DISTRICT JUDGE COLLEEN MCNEIL

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